

Appln. No. 10/814,989

Attorney Docket No. 8627-372  
Client Reference No. PA-5270-CIP

## II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. After entering this Amendment, claims 1-11, 13-16, 18, and 20-22 remain pending. Claims 12, 17, 19, and 23 have been cancelled.

*Claim Rejections - 35 U.S.C. §103*

Claims 1-11 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,944,728 to Bates (Bates) in view of U.S. Patent No. 7,322,989 to Teague et al. (Teague).

Claim 1 recites that each of the wire loops is pie-shaped upon deployment from the distal end of the outer sheath, each wire loop having an arcuate outer section, the arcuate outer sections cooperating to form a circular perimeter substantially perpendicular to a longitudinal axis of the elongate control member, each arcuate outer section having a radius about equal to a radius of the circular perimeter, each wire loop having an opening, the openings cooperating to substantially fill the circular perimeter, further wherein moving the elongate control member distally relative to the outer sheath expands the circular perimeter and cooperatively expands the radius of the arcuate outer sections thereby increasing the openings of the wire loops to again substantially fill the circular perimeter.

None of the cited references show a plurality of loops that deploy outwardly substantially perpendicular to the longitudinal axis of the device to form an adjustable circular perimeter where the size and radius of loops expand along with the circular perimeter to substantially fill the entire circular perimeter. This provides

BRINKS  
NOFER  
GILSON  
SLONE

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an elegant solution that avoids interference with the atraumatic distal tip and still covers the entire cross sectional area of the vessel. Applicants note that Bates and Teague do not teach loops. Further, Hillstead does not teach the radius of the loop changing to so that the loops cooperate to substantially fill an adjustable circular perimeter.

Claims 2-11 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claim 23 has been cancelled.

Claims 12-22 were rejected under 35 U.S.C.103(a) as being unpatentable over Bates in view of Teague and in view of U.S. Patent No. 5,098,440 to Hillstead (Hillstead).

Claims 13-16, 18, and 20-22 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claims 12, 17, and 19 have been cancelled.

*New Claim 24*

Claim 24 recites that the size and radius of loops adjust along with the circular perimeter to substantially fill the circular perimeter. Accordingly, the corresponding analysis provided above with regard to claim 1 is equally applicable to claim 24.

BRINKS  
HOFER  
GILSON  
BLONE

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*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

Dated: August 4, 2008  
Robert K. Fergan  
Reg. No.: 51,674  
Attorney for ApplicantsBRINKS  
HOFER  
DILSON  
BLTONE

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